

Message Text

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46

ACTION L-02

INFO OCT-01 NEA-09 ISO-00 EB-07 COME-00 CG-00 DOTE-00 PM-03

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R 241040Z MAR 75

FM AMCONSUL BOMBAY

TO COMSC WASHDC

MARAD WASHDC

INFO SECSTATE WASHDC 5229

DSSC CAMERON STATION, VA.

AMCONSUL MADRAS

AMEMBASSY NEW DELHI

DRF-PAC CAMP H M SMITH HI

UNCLAS BOMBAY 0724

E.O. 11652: N/A

TAGS: OGEN

SUBJ: TRANS HURON

REF: A)BOMBAY 0688, 191030Z MAR 75; B) DFR-PAC CP HMSMITH
HI 220331Z; C) DFR-PAC CP HMSMITH HI 220056Z MAR 75

1. CONGEN MARCH 24 RECEIVED LETTER DATED MARCH 21 FROM DIRECTOR
GENERAL OF SHIPPING S.V. BHAVE WHICH WE QUOTE:

"I HAVE THE HONOR REFER TO YR LTR OF MARCH 19, 1975.

THE POSITION REGARDING THE REQUIREMENT FOR DEPOSIT AT THE RATE
OF RS 283.52 PER METRIC TON FOR THE SALVAGED OIL IS AS FOLLOWS.

UNDER SECTION 399 OF THE MERCHANT SHIPPING ACT, 1958, THE OWNER OF
THE WRECK UPON ESTABLISHING HIS CLAIM TO THE SAME TO THE
SATISFACTION OF THE RECEIVER WITHIN ONEYEAR FROM THE TIME AT
WHICH THE WRECK CAME INTO THE POSSESSION OF THE RECEIVER SHALL
UPON PAYING THE SALVAGE AND OTHER CHARGES BE ENTITLED TO HAVE
THE WRECK OR THE PRED TO HIM. AT PRESENT THE
SALVAGE AND OTHER CHARGES IN RESPECT OF THE SALVAGED OIL AND THE
WRECK OF THE SHIP 'TRANSHURON' ARE BEING ASCERTAINED FROM
THE INDIAN NAVY AND THE IOC ETC. AND THEREFORE, NOT BE
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POSSIBLE AT THIS STAGE FOR THE RECEIVER OF WRECK TO INFORM THE

OWNER AS TO WHAT AMOUNT SHOULD BE PAID AND FOR THE OWNER TO PAY SUCH AMOUNT. UNDER THESE CIRCUMSTANCES THE RECEIVER COULD CONSIDER HANDING OVER POSSESSION OF THE OIL ON RECEIPT OF "ON ACCOUNT PAYMENT" TOWARD THE CHARGES TO BE FINALLY SETTLED. THE AMOUNT CALCULATED AT 4 3.52#PER METRIC TON WOULD OBVIOUSLY BE LARGER THAN WHAT THE RECEIVER OF WRECK COULD REASONABLY EXPECT TO GET THROUGH A PUBLIC AUCTION OF THIS OIL, BUT IT IS CERTAINLY LESSER THAN THE TOTAL SALVAGE AND OTHER CHARGES WHICH HE MUST CLAIM FROM THE OWNER BEFORE DELIVERING TO HIM THE OIL. IT IS, THEREFORE, FELT THAT THE OWNER SHOULD HAVE NO DIFFICULTY IN OFFERING THIS AMOUNT AS AN "ON ACCOUNT PAYMENT" AND THE RECEIVER OF WRECK SHOULD HAVE NO DIFFICULTY IN ACCEPTING THIS AMOUNT AS A DEPOSIT BEFORE HANDING OVER POSSESSION OF THE OIL TO THE OWNER."

"2. YOUR LETTER CONTAINS A SUGGESTION THAT THE CARGO MAY BE RELEASED TO THE OWNER WITHOUT PAYMENT OF ANY DEPOSIT ON THE UNDERSTANDING THAT THE US GOVERNMENT WILL PARTICIPATE WITH THE SHIPOWNER AND TOVALOP IN SETTLEMENT OF CLAIM FOR THE SERVICES OF THE INDIAN GOVERNMENT IN REMOVING THE 'TRANSHURON' CARGO. WE FEEL THAT THE PAYMENT OF SUCH A DEPOSIT WOULD NOT PROVE ANY IMPEDIMENT IN THE EVENTUAL SETTLEMENT OF THE INDIAN GOVERNMENT'S CLAIM WITH THE OWNERS AND THE TOVALOP. ON THE OTHER HAND IT IS DOUBTFUL IF UNDER THE M.S. ACT IT WOULD BE POSSIBLE FOR THE RECEIVER OF WRECK TO HAND OVER CARGO TO THE OWNER WITHOUT PAYMENT OF AT LEAST AMOUNT OF CHARGES THAT ACCORDING TO SECTION 399 MUST BE PAID BEFORE POSSESSION OF THE CARGO (WHICH IS PART OF THE WRECK) COULD BE GIVEN TO THE OWNER."

"3. I SUGGEST THAT IT WOULD BE USEFUL IF YOU COULD SEND YOUR REPRESENTATIVE WITH WHOM THIS MATTER COULD BE DISCUSSED FURTHER."

2. REFERENCE PARA THREE OF DIRECTOR GENERAL'S LETTER QUOTED ABOVE, BHAVE INFORMED TODAY MARCH 24 THAT MR RANKIN WOULD BE ARRIVING BOMBAY APPROXIMATELY MARCH 31 TO INSPECT AND DETERMINE DISPOSITION CARGO TRANS HURON AS INDICATED REF B AND C.

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NOTE BY OC/T: #AS RECEIVED

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